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Sent: Tue 3/1/2016 9:18:48 PM
Subject: FW: (Rep. Xavier Becerra) Flint lessons hit home for top House Democrat

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Subject: (Rep. Xavier Becerra) Flint lessons hit home for top House Democrat

*The following was in today's Energy & Environment (E&E) and thought you would find of interest. See sections in "**bold**".*

TOXICS: Flint lessons hit home for top House Democrat

Geof Koss, E&E reporter - Published: Tuesday, March 1, 2016



The shuttered Exide Technologies battery recycling plant in Vernon, Calif., sits in Rep. Xavier Becerra's district. Photo by Nick Ut, courtesy of AP Images.

Congress is struggling to agree to a legislative solution to help Flint, Mich., cope with its drinking water crisis, but the debate has nonetheless served as a poignant reminder to members of both parties about the dangers of lead -- a potent neurotoxin that remains widespread across the United States despite more than four decades of work to curb exposure.

Seemingly each week, lawmakers are highlighting new concerns over lead risks that are reminiscent of the situation in Flint, where state efforts to cut costs led to thousands of residents, including children -- who are particularly vulnerable to the toxin -- being exposed to lead from aging pipes.

On Friday, Sen. Chuck Schumer (D-N.Y.) appealed to U.S. EPA to send inspectors to Ithaca, N.Y., to investigate high lead levels in two elementary schools, which prompted water to be cut off to both schools and students provided with bottled water -- just like Flint.

That same day, Sen. Barbara Boxer (D-Calif.), the ranking member on the Environment and Public Works Committee, cited warnings about elevated lead levels in Jackson, Miss., to push for passage of a bipartisan Senate package aimed at helping Flint and other communities make infrastructure upgrades to reduce lead exposure.

But for Rep. Xavier Becerra (D-Calif.), the debate over Flint hits especially close to home. While lead contamination remains ubiquitous nationwide, the eastern Los Angeles County district he represents is facing its own lead crisis on a scale approaching that of Flint.

At issue in California's 34th District is the Exide Technologies battery recycling plant, which for decades melted car batteries to recover lead for new batteries, contaminating local land, air and water with emissions of lead and other toxic metals, including arsenic and cadmium. The facility in Vernon, Calif., was closed down last year under an agreement with federal officials that allows Exide to avoid facing criminal prosecution as long as it completes the closure and cleanup of the site ([Greenwire](#), March 12, 2015).

That cleanup would be one of the largest efforts to remove lead from homes in U.S. history ([Greenwire](#), Aug. 19, 2015).

Becerra, who as chairman of the House Democratic Caucus ranks No. 4 in his party's leadership, has repeatedly used the Flint crisis in recent weeks to highlight the situation in his district, where lead contamination is estimated to have affected as many as 110,000 residents.

"There are other places in America that have this same kind of issue, and we would want to make sure that all American families are protected from lead contamination, certainly Flint, Mich.," Becerra said in an interview last week. "But I would do everything possible to make sure that the folks in the east side of L.A. County would get the type of treatment that we would expect, as well."

The parallels between Flint and Becerra's constituents are obvious. Flint is predominantly African-American; the neighborhoods surrounding the Exide plant are largely populated by working-class Latino families.

And like Flint, there have been long-standing complaints about the role of state regulators, who allowed the plant to operate with a temporary permit for two decades.

But unlike Flint, the root of the lead contamination in California results from actions of a private party, which faces liability under state and federal environmental laws, rather than dilapidated water infrastructure overseen by local, state and federal officials.

And because the lead was dispersed by air throughout the vicinity, Becerra acknowledged that "the dangers posed by Exide's lead poisoning aren't as direct" as in Flint, where residents ingested the toxin in their drinking water.

"It's a little more difficult when it's lead in the soil, and so while it may not have been as emergent, but it's certainly serious, and when you're talking about kids playing on the playground and in the backyard, you need to move," he said.

EPA lists lead in soil as a key exposure pathway for children, noting that it can be ingested "as a result of hand-to-mouth activity that is common for young

children." Additionally, vegetables raised in contaminated soil are another exposure route, as is lead that is resuspended in the air after being disturbed or tracked into homes.

But questions remain about the availability of funds to assess the extent of lead contamination in homes surrounding the Exide plant and actually cleaning up that contamination.

Becerra notes that while Exide was required to put aside nearly \$50 million for a cleanup of the site under an agreement with the state, it's an open question whether the firm will have the financial ability to finish the job.

"Whether or not what Exide can put forward is sufficient for the costs of the cleanup and to deal with the health concerns, that's the outstanding question," he said last week. "And Exide has not given anyone any reason to believe that they're going to step to the plate and try to do this the right way."

Exide did not respond to a request for comment.

State aid complicates quest

While Becerra has suggested that assistance to help Los Angeles residents cope with Exide's toxic fallout could accompany a congressional Flint aid package, the decision by California Gov. Jerry Brown (D) last month to seek \$176 million from the state Legislature may have pre-empted any Hill pressure for federal funds.

Congressional Republicans have been reluctant to hand Flint hundreds of millions of dollars of taxpayer money for a problem that they say was created by state and local decisionmakers.

"There's concerns that we're jumping ahead of the local and state governments in taking care of what is primarily a state and local issue," Senate Majority Whip John Cornyn (R-Texas) said last month.

California plans to use the funds to test 10,000 homes located within 1.7 miles of the facility and remove lead from about 2,500 homes that are expected to have especially high levels ([*Greenwire*](#), Feb. 18).

Becerra lauded Brown and state lawmakers for working to secure funds for L.A. residents, which he noted are intended to be recovered from Exide. But he added that he'll fight for federal assistance if the state push falls short.

"The state has a plan, we want to deal with this," he said. "Families don't care where the money comes from, at the end of the day; it's our government, whether federal, state or local, and we have a responsibility to try to make sure our government, whatever level of government, is responding to the legitimate urgent

needs of families."

But in the meantime, Becerra said he'll continue to raise the Exide issue, which he said should be part of Congress' oversight of the Flint disaster, but also to emphasize the importance of moving quickly to help people who have been exposed to lead through no fault of their own.

"So the oversight to get to the bottom of this, and find out who's responsible, and secondly and more importantly to act quickly, because families can't wait till we get to the bottom of this thing, they need action now," he said.

Brent Maier

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